

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CCM PATHFINDER POMPAÑO BAY, LLC, Case No. 08 Civ. 5297

Plaintiff,

-against-

COMPASS FINANCIAL PARTNERS LLC  
and COMPASS USA SPE LLC,

**NOTICE OF MOTION**

Defendants.  
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PLEASE TAKE NOTICE that upon the attached declarations of Todd B. Marcus, with exhibits thereto, Selby Jessup, with exhibits thereto, and Gil Tenzer, all filed concurrently herewith, Plaintiff's Memorandum of Points and Authorities, filed concurrently herewith, all pleadings documents, and other records on file with the Court, and such other and further evidence and oral argument as the Court shall permit, Plaintiff shall move this Court, before the Honorable Jed S. Rakoff, at the United States District Court for the Southern District of New York, at the United States District Courthouse, 500 Pearl Street, Courtroom 14-B, New York, New York, on August 11, 2008, at 4:30 p.m., or as soon thereafter as counsel can be heard, for an order, (a) pursuant to 28 U.S.C. 1334(c) and 1452, remanding this case to the Supreme Court of the State of New York, County of New York, on the grounds that this case involves purely state law claims between non-debtor parties (both citizens of New York) which have nothing to do with the administration of a bankruptcy case out of the District of Nevada, and (b) granting such other and further relief as is just and proper.

PLEASE TAKE FURTHER NOTICE that the briefing schedule and hearing for this motion has been set as follows:

- (a) moving papers to be served and filed on or before June 26, 2008;

- (b) opposition papers, if any, to be served and filed on or before July 14, 2008; and
- (c) reply papers, if any, to be served and filed on or before July 21, 2008.

Dated: New York, New York.  
June 26, 2008

DLA PIPER US LLP

By: 

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